REMARKS

Claims 1 to 11, 13 to 20, 22 to 27, 29 to 32 and 46 to 59 are pending.

Claims 1 to 11, 13 to 20, 22 to 32 and 46 to 59 were rejected under 35 U.S.C. §102(a) over Nielsen.

First, the PTO applies an incorrect standard of examination. The Office Action states that "Applicants arguments directed towards claims 1-11, 13-20, and 22-31 are not Persuasive," Office Action page 2; "Applicants arguments directed towards claims 45-59 are not found to be persuasive," Office Action page 2; "Applicants arguments directed towards claims 5-6, 26-27, and 49-50 are not persuasive," Office Action page 3; and "Applicants arguments directed towards claims 10 and 54 are not persuasive," page 3.. However, whether Applicant's arguments are persuasive is not the issue. However, 35 U.S.C. 102(a) states that "[a] person shall be entitled to a patent *unless* (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent..." (emphasis added). A patent must be issued unless the PTO establishes a reason not to issue the patent; for example, by establishing a prima facie case of obviousness. Under 35 U.S.C. §102(a)."[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). In the present instance, the question is whether the PTO has met its burden of establishing that the same invention is shown in Nielsen "in as complete detail as is contained in the... claim[s]," not whether Applicants' arguments are found to be persuasive.

Independent claims have been amended to claim an "abrasion testing device, an elongated testing device" or "a hydrolytic testing device," (apparatus claims); or to claim "applying a varying test onto the coated substrate to form an array of combinatorial varying test result regions "(claim 19); or that varying tests are applied by a testing device that produces a "varying abrasion test result" combinatorial array, (method claim

46). Ni lsen at column 13 discloses applying a varying plasticizer (solvent) to synthesize varying synthesized products. A test is "a procedure in which the performance of a product is measured under various conditions," McGraw-Hill Dictionary of Scientific and Technical Terms, 5th Ed., p 2006 (1994). Nielsen teaches a synthesis product; not a system that comprises "an abrasion testing device, an elongation testing device" or "hydrolytic testing device" or a method of applying 'an abrasion test, an elongation test, solvent exposure test" or "a hydrolytic test" or "applying varying abrasion test results" or a method of "abrasion testing" and "detecting a "varying abrasion test result pattern." If the PTO disagrees, the PTO is respectfully requested to identify the particular language in Nielsen that purports to teach or suggest the limitations of the claims or withdraw the 35 U.S.C. §102(a). *See In re Rijckuert*, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993).

For the above reasons, the rejection of claims 1 to 11, 13 to 20, 22 to 32 and 46 to 59 under 35 U.S.C. §102(a) over Nielsen should be withdrawn.

In view of the foregoing amendments and remarks, reconsideration and allowance of claims 1 to 11, 13 to 20, 22 to 32 and 46 to 59 are respectfully requested.

Should the Examiner believe that any further action is necessary in order to place this application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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